

RESPONSE TO OFFICE ACTION  
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### REMARKS

This response is intended as a full and complete response to the Office Action dated February 26, 2004. In view of the following discussion, the Applicants believe that all claims are in allowable form.

### **IN THE CLAIMS**

Claim 1 has been amended to correct a minor error. Specifically, the word "and" has been added to the end of the penultimate paragraph of the claim. The Applicants submit that this amendment was made for reasons unrelated to patentability and that no new matter has been added.

Claim 10 has been cancelled as being a duplicate of claim 8.

### **CLAIM REJECTIONS**

#### **I. 35 U.S.C. §112 Claims 2, 4, and 5**

Claims 2, 4, and 5 stand rejected under 35 U.S.C. §112. In response, the Applicants have amended these claims to more clearly recite aspects of the invention.

Specifically, the Applicants have amended each of claims 2, 4, and 5 to recite that the applied and pulsed power limitations apply during the etching step. New claims 15-17 have been added to claim the applied and pulsed power limitations during the overetching step as well.

Thus, the Applicants submit that claims 2, 4, and 5 are in allowable form. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claims allowed.

#### **II. 35 U.S.C. §103(a) Claims 1, 2, 4-6, 8-11, and 14**

Claims 1, 2, 4-6, 8-11, and 14 stand rejected as being unpatentable over United States Patent No. 6,187,685, issued February 13, 2001, to Hopkins et al. (hereinafter *Hopkins*) and United States Patent No. 6,566,272, issued May 20, 2003, to Paterson et al. (hereinafter *Paterson*). The Applicants respectfully disagree.

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*Paterson* was filed on July 23, 1999 and issued on May 20, 2003, making it a 102(e)-type reference. As such, *Paterson* may not preclude patentability under 35 U.S.C. §103(c) since the claimed invention and *Paterson* were both subject to an obligation of assignment to Applied Materials, Inc. at the time the claimed invention was made.

Additionally, as the Examiner admits, *Hopkins* alone does not teach or suggest the invention as recited in claims 1, 2, 4-6, 8-11, and 14. Thus, the Applicants submit that these claims are patentable over *Hopkins*. Accordingly, the Applicants respectfully request the rejection be withdrawn.

#### **NEW CLAIMS**

New claims 15-17 have been added to the Application. Claims 15-17 depend from claim 1 and add additional limitations thereto. As such, the Applicants submit that claims 15-17 are patentable over the art of record for at least the reasons discussed above. The Applicants further submit that the claims are fully supported by the specification and that no new matter has been added.

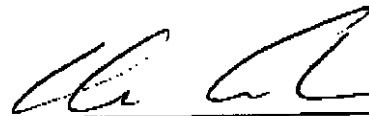
#### **CONCLUSION**

Thus, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited.

If the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Keith Taboada, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

*May 24, 2004*



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